



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING

MARIANNE UDOW
DIRECTOR

June 16, 2005

The Honorable Bill Hardiman, Chair
Senate Appropriations Subcommittee on DHS
Michigan State Senate
Lansing, Michigan 48933

The Honorable Rick Shaffer, Chair
House Appropriations Subcommittee on DHS
Michigan House of Representatives
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Shaffer:

Section 543 of 2004 Public Act No. 344 requires the Department of Human Services (DHS) to develop and to report on a plan to provide education and training to reduce the criminal sexual conduct involving underage youth. The report is attached.

If you have any questions about the attached material, please contact Janet Strobe at 373-2535.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marianne Udow".

Marianne Udow

Attachments

- c: Senate and House Appropriations Subcommittee on DHS
- Senate and House Fiscal Agencies
- Senate and House Policy Offices
- State Budget Office

Task Force Report: PA 344 of 2004, Section 543

Section 543 of 2005 appropriation bill (Public Act 344 of 2004) required the Family Independence Agency (FIA), now the Department of Human Services (DHS) to develop a comprehensive plan to provide education and training to reduce the incidence of criminal sexual conduct involving under age youth. *(See attachment #1 for specific legislative language.)*

In order to develop this plan, a task force was called which included representatives from FIA/DHS, the Michigan Domestic Violence Prevention and Treatment Board, Department of Education, Michigan State Police, Department of Community Health, the Calhoun County Prosecutor's Office, Sexual Assault Services of Calhoun County, Michigan State University and Michigan Coalition Against Domestic and Sexual Violence. *(See attachment #2 for a list of those who participated.)*

This group met on two occasions to discuss the issue presented and to educate one another regarding the services currently available that address criminal sexual conduct involving under age youth. The initial discussion revolved around the definition of criminal sexual conduct, and the identification of the precise issue on which the legislation was focused.

The group reached consensus that discussion centered on consensual sexual activity¹ between two minors would be significantly different that a discussion concerning adult predators of youth. Further discussion with legislative staff indicated that the intent of the legislation was to address the incidence of consensual sexual activity between minors in foster care.

Law enforcement personnel, educators, personnel from various counseling agencies are frequently asked to participate in instruction with students on the issue of sexual activity, HIV/AIDS, domestic violence, etc. The Michigan State Police take an active part in these presentations, and have an excellent curriculum in place. Additionally, PA 451 of 1976 and PA 94 of 1979, as amended, clearly outlines what is permissible in the education system. *(See attachment #3 for excerpts from this legislation.)*

Based on this information, we intend to proceed as follows:

1. The Michigan Department of Human Services, the Michigan Department of Education, and the Michigan State Police will continue current efforts and will support and encourage continuation and expansion of practices and curricula currently available that emphasizes that abstinence from sex as a positive lifestyle and that complies with PA 451 of 1976 and PA 94 of 1979.
2. The Michigan Department of Human Services will review its child placement policies assuring that youth sexual predators and victims of sexual abuse or other vulnerable youth are not placed in the same foster care placement.
3. The Michigan Department of Human Services will further review its child placement policies to assure that foster parents receive appropriate training to monitor the behavior of youth and pre-teens in their care and to be especially cognizant of situations that could permit otherwise undetected sexual behaviors.

¹ Youth under the age of 16 cannot legally "consent" to sexual activity. The terminology here is used to distinguish non-assaultive activity from assaultive.

Task Force Report: PA 344 of 2004, Section 543

4. No annual goals for reporting and reducing incidences of criminal sexual conduct involving underage youth are recommended because there is no accurate data on its occurrence. Given that the legislative intent was to examine consensual sexual activity involving under age youth in foster care, the lack of data on “criminal sexual conduct” in this context does not include predatory acts of sexual assault against youth.
5. A summary of past plans and their outcomes submitted in compliance with federal guidelines is not available, as this has not been addressed in the past. Former efforts focused on the establishment of teen parent prevention programs whose outcomes differed dramatically from this legislation.

Task Force Report: PA 344 of 2004, Section 543

Attachment #1

Section 543 of Public Act 344 of 2004 (the Family Independence Agency Budget for FY 2005) states:

The department shall develop a comprehensive plan to **provide education and training to reduce the incidences of criminal sexual conduct** involving underage youth. The plan shall be designed to reach state and local law enforcement officials, schools and education agencies, health care, counseling, and pregnancy prevention services, and any other agency the department considers relevant. The department shall issue a report, by November 1, 2004, to the house and senate appropriations subcommittees on the family independence agency budget, the house and senate fiscal agencies and policy offices, and the state budget director that shall contain at least all of the following:

- (a) The names of the task force members or committee members, and their representative organizations, who helped develop the plan.
- (b) The recommendations the department is making to each of the following:
 - (i) State and local law enforcement agencies.
 - (ii) Schools and education agencies.
 - (iii) Health care professionals.
 - (iv) Counseling agencies.
 - (v) Pregnancy prevention programs.
- (c) The annual goals for reporting and reducing incidences of criminal sexual conduct involving underage youth.
- (d) A summary of past plans and their outcomes submitted in compliance with federal guidelines.

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Attachment #2

Participating on this task force are:

NAME	ORGANIZATION
Janet Strobe	FIA—Family Support Services
Jeni Ottney	FIA—Family Support Services
Luci Stibitz	FIA—Outstate Operations
Dawn Callahan	FIA—Office of Training & Staff Development
Ted Forrest	FIA—Children’s Protective Services
Jocelyn Vanda	FIA—Interagency & Community Services
Bobi Rodriguez	FIA—Family Support Services
Debi Cain	FIA—Michigan Domestic Violence Prevention & Treatment Board
Michele Hernandez	Michigan State Police
Karen Yoder	Michigan Department of Community Health
Dee Hulbert	Michigan Department of Community Health
Laurie Bechhofer	Michigan Department of Education
Karen Shirer	Michigan State University
Lori Post	Michigan State University
Sarah Heuser	Michigan Domestic Violence Prevention & Treatment Board
Mike Jaconette	Calhoun Co. Prosecutor’s Office
Phyllis Van Order, RN	Sexual Assault Services of Calhoun County
Chris Singer	Sexual Assault Services of Calhoun County
Kathy Hagenian	MI Coalition Against Domestic & Sexual Violence

Task Force Report: PA 344 of 2004, Section 543

Attachment #3

Excerpt from PA 451 of 1976 and PA 94 of 1979, as amended:

This legislation governs sex Education in the schools. Specifically 380.1507b states that,

“Instruction under section 1507 in sex education ... shall emphasize that abstinence from sex is a positive lifestyle for unmarried young people because abstinence is the only protection that is 100% effective against unplanned pregnancy...”. It further reads that materials and instruction, “shall do at least all of the following:

- a) Discuss the benefits of abstaining from sex until marriage and the benefits of ceasing sex if a pupil is sexually active
- b) Include a discussion of the possible emotional, economic, and legal consequences of sex.
- c) Stress that unplanned pregnancy and sexually transmitted diseases are serious possibilities of sex that are not fully preventable except by abstinence.
- d) Advise pupils of the laws pertaining to their responsibility as parents to children born in and out of wedlock....
- e) Ensure that pupils are not taught in a way that condones violations of the laws of this state...
- f) Teach youth how to say no to sexual advances and that it is wrong to take advantage of, harass, or exploit another person sexually....
- k) Include information clearly informing pupils that having sex or sexual conduct with an individual under the age of 16 is a crime punishable by imprisonment and that 1 of the other results of being convicted of this crime is to be listed on the sex offender registry on the internet for up to 25 years.